

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NOS. 2007-255-C AND 2007-256-C - ORDER NO. 2008-120

FEBRUARY 20, 2008

IN RE: <b>Docket No. 2007-255-C</b> – Petition for	)	ORDER ON
Approval of Nextel South Corp.’s Adoption	)	PROCEDURAL
of the Interconnection Agreement between	)	MOTION
Sprint Communications L.P., Sprint	)	
Spectrum L.P. d/b/a Sprint PCS and	)	
BellSouth Telecommunications, Inc. d/b/a	)	
AT&T South Carolina d/b/a AT&T	)	
Southeast	)	
	)	
AND	)	
	)	
<b>Docket No. 2007-256-C</b> – Petition for	)	
Approval of NPCR, Inc. d/b/a Nextel	)	
Partners’ Adoption of the Interconnection	)	
Agreement between Sprint Communications	)	
L.P., Sprint Spectrum L.P. d/b/a Sprint PCS	)	
and BellSouth Telecommunications, Inc.	)	
d/b/a AT&T South Carolina d/b/a AT&T	)	
Southeast	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Joint Procedural Motion (the Joint Motion) of BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (AT&T) and Nextel South Corp. and NPCR Inc. d/b/a Nextel Partners (together, Nextel) (collectively, the Joint Movants), which is made without opposition from the Office of Regulatory Staff (ORS). The Joint Motion requests relief in several particulars: 1) for cancellation of the hearing scheduled for February 13, 2008, 2) for this Commission to decide the issues presented in the

consolidated dockets on the basis of the designated record, 3) for this Commission to establish a deadline for the parties to submit briefs, and 4) for this Commission to establish a date for the parties to present oral argument on the matters presented for disposition. As will be explained in the reasoning below, we grant the Joint Motion as described.

First, because of the procedural posture of this case, we grant cancellation of the hearing scheduled for February 13, 2008. Second, with regard to deciding the issues presented on the basis of the designated record, we would note that AT&T and Nextel have reached certain Stipulations of Fact, which were attached to the Joint Motion, and which are attached hereto as Order Exhibit 1. The Joint Movants disagree as to the legal import of these stipulated facts and have reserved the right to present their respective positions in briefs and oral argument. AT&T and Nextel submit that the Formal Record of these consolidated dockets should include these Stipulations of Fact, each party's respectively filed pleadings and exhibits, the testimony and exhibits the parties have prefiled in these consolidated dockets, the interconnection agreement for which Nextel seeks adoption, and such publicly available information of which the Commission appropriately may take notice pursuant to applicable statutes, rules, or regulations. The available documents are described with specificity in the Joint Motion. We agree that the materials described properly constitute the Formal Record in this case. We also hold that we will decide the issues presented in the consolidated dockets on the basis of the described Formal Record, since we believe that the items described constitute a full record of the issues in this consolidated case.

Third, we hereby establish the close of business on February 28, 2008 as the deadline for the parties to simultaneously file briefs with the Commission on these matters. Fourth, we instruct the Commission's Docketing Department to establish a date and time for this Commission to hear oral arguments on the matters at issue in this case at a later time.

This Order shall remain in full force and effect until further Order of the Commission.

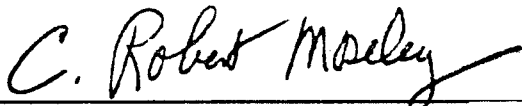
BY ORDER OF THE COMMISSION:



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G. O'Neal Hamilton, Chairman

ATTEST:



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C. Robert Moseley, Vice Chairman

(SEAL)

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

IN THE MATTER OF PETITION FOR )  
APPROVAL OF NEXTEL SOUTH )  
CORP.'S ADOPTION OF THE )  
INTERCONNECTION AGREEMENT )  
BETWEEN SPRINT ) Docket No. 2007-255-C  
COMMUNICATIONS L.P., SPRINT )  
SPECTRUM L.P. D/B/A SPRINT PCS )  
AND BELL SOUTH )  
TELECOMMUNICATIONS, INC. D/B/A )  
AT&T SOUTH CAROLINA D/B/A )  
AT&T SOUTHEAST )

IN THE MATTER OF PETITION FOR )  
APPROVAL OF NPCR, INC. D/B/A )  
NEXTEL PARTNERS' ADOPTION OF )  
THE INTERCONNECTION )  
AGREEMENT BETWEEN SPRINT ) Docket No. 2007-256-C  
COMMUNICATIONS L.P., SPRINT )  
SPECTRUM L.P. D/B/A SPRINT PCS )  
AND BELL SOUTH )  
TELECOMMUNICATIONS, INC. D/B/A )  
AT&T SOUTH CAROLINA D/B/A )  
AT&T SOUTHEAST )

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**STIPULATIONS OF FACT**

BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina, Nextel South Corp., and NPCR Inc. d/b/a Nextel Partners respectfully stipulate to the following facts for the purposes of these consolidated proceedings:

1. The Sprint entities that are parties to the Sprint interconnection agreement ("ICA") for which Nextel South Corp. and NPCR, Inc. d/b/a Nextel Partners seek adoption in the above-referenced docket are identified in the Sprint ICA as Sprint Communications Company Limited Partnership, Sprint Communications Company L.P.,

and Sprint Spectrum L.P., as agent and General Partner for WirelessCo, L.P., and SprintCom, Inc. (collectively the "Sprint parties to the original ICA").

2. Sprint Communications Company L.P. and Sprint Communications Company Limited Partnership are one and the same legal entity. The name of this entity is Sprint Communications Company L.P., and this entity was further listed in the Sprint ICA with "limited partnership" spelled out as a result of a requirement in the State of Florida. Sprint Communications Company L.P. is a Delaware Limited Partnership that is certificated to and does provide wireline local exchange telecommunications services in the State of South Carolina. Sprint Communications Company L.P. is not licensed by the FCC to provide wireless telecommunications services.

3. Sprint Spectrum L.P. is a Delaware Limited Partnership, WirelessCo, L.P. is a Delaware Limited Partnership, and SprintCom, Inc. is a Kansas corporation, collectively, "Sprint PCS". Sprint PCS provides wireless telecommunications services in the State of South Carolina under license(s) issued by the FCC. Neither Sprint Spectrum L.P., WirelessCo, L.P., SprintCom, Inc., nor Sprint PCS is certificated to provide, and none of these entities provide wireline local exchange telecommunications services in the State of South Carolina.

4. Nextel South Corp. is a Georgia corporation that is licensed by the FCC to provide, and that does provide, wireless telecommunications services in the State of South Carolina. Nextel South Corp. is not certificated to provide and does not provide wireline local exchange telecommunications services in the State of South Carolina.

5. NPCR, Inc. d/b/a Nextel Partners is a Delaware corporation that is licensed by the FCC to provide, and that does provide, wireless telecommunications

services in the State of South Carolina. NPCR, Inc. d/b/a Nextel Partners is not certificated to provide and does not provide wireline local exchange telecommunications services in the State of South Carolina.

6. On August 12, 2005 the parent holding company Sprint Corporation, through its subsidiary S-N Merger Corp., acquired the holding company Nextel Communications, Inc., with S-N Merger Corp. surviving the transaction. Contemporaneous with such acquisition, the subsidiary S-N Merger Corp. changed its name to Nextel Communications Inc. and the parent holding company Sprint Corporation changed its name to Sprint Nextel Corporation. Collectively, the foregoing actions are referred to as "the Sprint-Nextel Merger".

7. Prior to the Sprint-Nextel Merger, Sprint Communications Company L. P., Sprint Spectrum L.P., WirelessCo, L.P., SprintCom, Inc., Nextel South Corp., and NPCR, Inc. d/b/a Nextel Partners were six separate legal entities.

8. Prior to the Sprint-Nextel Merger, each of the Sprint parties to the Sprint ICA were either directly or indirectly wholly owned by, and under common control, as subsidiaries under the holding parent company Sprint Corporation.

9. Prior to the Sprint-Nextel Merger, Nextel South Corp., was either directly or indirectly wholly owned by, and under common control of, as a subsidiary under the holding parent company Nextel Communications, Inc.

10. Prior to the Sprint-Nextel Merger, none of the Sprint parties to the original ICA had any affiliation with Nextel South Corp., and Nextel South Corp. had no affiliation with any of such Sprint parties.

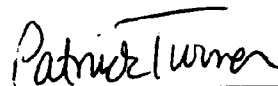
11. After the Sprint-Nextel Merger, on June 26, 2006, through a subsidiary transaction, Nextel Communications, Inc. acquired NPCR, Inc. d/b/a Nextel Partners ("the NPCR acquisition"). Prior to the NPCR acquisition, none of the Sprint parties to the original ICA had any affiliation with NPCR, Inc. d/b/a Nextel Partners, and NPCR, Inc. d/b/a Nextel Partners had no affiliation with any of such Sprint parties.

12. Today, following the Sprint-Nextel Merger and the NPCR acquisition, Sprint Communications Company L.P., Sprint Spectrum L.P., WirelessCo, L.P., SprintCom, Inc., Nextel South Corp., and NPCR, Inc. d/b/a Nextel Partners are six separate legal entities.

13. Today, following the Sprint-Nextel Merger and the NPCR acquisition, the Sprint parties to the original ICA, Nextel South Corp. and NPCR, Inc. d/b/a Nextel Partners each are either directly or indirectly wholly owned by, and are under common control, as subsidiaries under the holding company Sprint Nextel Corporation.

Respectfully submitted on this the 8<sup>th</sup> day of February, 2008.

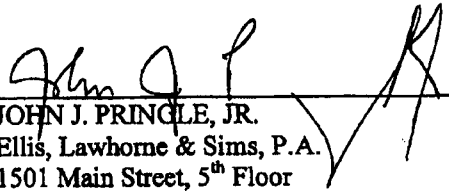
AT&T SOUTH CAROLINA



PATRICK W. TURNER  
Suite 5200  
1600 Williams Street  
Columbia, South Carolina 29201  
(803) 401-2900

JOHN T. TYLER  
Suite 4300  
675 West Peachtree Street  
Atlanta, Georgia  
(404) 335-0757

NPCR, INC. D/B/A NEXTEL PARTNERS  
AND NEXTEL SOUTH CORP.

  
JOHN J. PRINGLE, JR.  
Ellis, Lawhorne & Sims, P.A.  
1501 Main Street, 5<sup>th</sup> Floor  
Columbia, South Carolina 29201  
(803) 343-1270  
(803) 799-8479  
(803) 479-5764

WILLIAM R. L. ATKINSON  
Suite 2200  
223 Peachtree Street  
Atlanta, Georgia 30303  
(404) 649-0001

701999